

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Family Law Clerk's Office

3055 Cleveland Ave.

Santa Rosa, CA 95403-2122 (707) 521-6500

<http://sonoma.courts.ca.gov/>

DOMESTIC VIOLENCE PACKET - WITH CHILDREN

*There is no fee to file a *Domestic Violence Restraining Order Request**

Included in this package are the following forms you will need to fill out and file to request a *Domestic Violence Temporary Restraining Order (TRO)*. All forms may be accessed by going to the Court's website at <http://www.courts.ca.gov/forms.htm>.

Declaration Re: Notice and Delivery of DV Temp Orders.....	FL-040
Request for Order.....	DV-100
Description of Abuse.....	DV-101
Child Custody, Visitation, and Support Request.....	DV-105
City and State Where Children Lived.....	DV-105(A)
Notice of Court Hearing	DV-109
Temporary Restraining Order and Notice of Hearing.....	DV-110
Child Custody and Visitation Order.....	DV-140
Financial Statement (Simplified).....	FL-155
Proof of Personal Service.....	DV-200

INFORMATIONAL DOCUMENTS

Confidential CLETS Information.....	CLETS-001
What is "Proof of Personal Service?".....	DV-200-INFO
How do I Ask for a Temporary Restraining Order?.....	DV-505-INFO

California Law Enforcement Telecommunications Systems (CLETS) Entry: If a temporary or permanent restraining order is granted, the information contained on the restraining order will be entered into CLETS the same date the order is granted if the necessary information is provided on the forms. Be sure to complete the identifying information sections on the restraining orders to ensure prompt and accurate entry into CLETS.

Submitting Forms: Your documents must be completed and dropped off at the Family Law Clerk's Office, 3055 Cleveland Ave., Santa Rosa, CA 95403, by 8:30 a.m. in order for the Judge to review your paperwork that same day. You can drop off your paperwork during any regular court business hours; however, paperwork submitted after 8:30 a.m. will not be reviewed by the Judge until the next court business day. It is best to personally deliver the documents to the clerk so that your forms may be reviewed for completeness.

Temporary Restraining Order (TRO) Review: TRO applications are reviewed by a Judge every court business day. You will not be meeting with the Judge at this time. Results will be available after 2:00 p.m. via the Court's website at <http://sonoma.courts.ca.gov/online-services/tentative-rulings/dvexparte> or by calling (707) 521-6676. It is important that you pick up your documents right away even if the Judge denies your request for a TRO. Your case will be set for a restraining order hearing within 20 -25 days. Your paperwork will be ready for pick up between 2:00 p.m. and the close of business day.

Forms Needed to Obtain a Temporary Restraining Order

The following forms must be completed and given to the clerk for review:

1. **Declaration Re: Notice and Delivery of DV Temp Orders (Form FL-040)**

This form is required. The Judge needs to know if you told the other person that you were seeking a restraining order. Normally the Judge requires that the other party receive notice that you are seeking a restraining order. You do not need to give notice to the other party if you fear for your safety or the safety of your children. If you do not give notice, explain on Item No. 3 of Form FL040 why you feel you should not tell the other person that you are seeking a restraining order. If you give notice, you are required to provide the other person with a copy of the paperwork. If the other person is given the paperwork personally (by you or someone else over 18 by 10 a.m.), the court will hold your request for restraining order for one (1) business days in order to give the other person a chance to respond. If you mail the paperwork to the other person, the court will hold your request for restraining order for five (5) days in order to give the other person a chance to respond.

2. **Request for Order (Form DV-100) and attach Description of Abuse (Form DV-101)**

3. **Temporary Restraining Order (Form DV-110) and Notice of Hearing (Form DV-109)**

These are the forms the Judge will sign if your request for a TRO is granted. You will be assigned a court hearing date which is normally within three weeks. It is important that you complete all of the information next to item #2, especially the Name, Sex, Race, and Date of Birth or Age. If you do not know the date of birth of the person to be restrained, please give your best estimate of their age. This information is necessary to ensure entry into the CLETS System. (California Law Enforcement Telecommunications System).

Serving the Temporary Restraining Order: Once the Judge has signed the TRO, you must make sure the person to be restrained is served a copy the TRO. This means a copy must be provided to the person to be restrained. You may not do this yourself, however, any person over the age of 18 who is not a party to the action may serve the person to be restrained. The person who served the restraining order must complete form DV-200. File the completed form with the Clerk prior to the hearing. The Sheriff will serve the restraining order for free.

Court Hearing (Very Important): Come to court on the day and at the time the Judge indicates on the signed TRO for a hearing before the Judge. If the Judge issues a permanent order, keep a copy of the signed Restraining Order After Hearing with you at all times for your protection.

If the TRO is Not Served: If your TRO is not served before the court hearing date, you may still come to court. Fill out the Request to Continue Hearing (Temporary Restraining Order) DV-115 form and Order on Request to Continue Hearing (Temporary Restraining Order) DV-116 form, and bring them with you to Court. After the Judge signs the reissuance and the clerk processes the paperwork, you must arrange to have the restrained party personally served with the Request to Continue Hearing and Order on Request to Continue Hearing and a copy of the Temporary Restraining Order and Notice of Hearing and Request for Order.